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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/772,164	01/29/2001	Theo Schilter	TS.US1.REG	8215

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EXAMINER

MOSLEHI, FARHOOD

ART UNIT	PAPER NUMBER
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2154

DATE MAILED: 04/21/2004

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Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/772,164

Applicant(s)

SCHILTER, THEO

Examiner

Farhood Moslehi

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 29 January 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

**DETAILED ACTION**

1. Claims 1-20 are presented for examination.

***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

3. Claims 1-3,5,7-10,12,14-18 and 20 are rejected under 35 U.S.C. 102(e) as being anticipated by Salimando et al. (6,185,599) (hereinafter Salimando).

4. AS per claim 1, Salimando discusses a method of using a computer system to process user messages including requests and offers, comprising:

Receiving by said computer system from a first user a first user message including a first user contact address and a first user message body, wherein said user message body is provided essentially as text or speech without any predefined structure (e.g. col.

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1, lines 36-43); storing said first user message and first user address in a user message database comprising a plurality of previously stored user messages (e.g. col. 1, lines 52-56); Querying said message database for previously stored user messages related in subject matter to said first user message (e.g. col. 1, lines 55-60); and Notifying said first user of a previously stored message identified in said querying step which relates to said first user message (e.g. col. 1, lines 55-60).

5. As per claim 8, it is rejected for similar reasons as stated above.

6. As per claim 15, it is rejected for similar reasons as stated above.

7. As per claim 2, Salimando discusses the method wherein said message database further comprises a plurality of previously stored user contact addresses corresponding to said plurality of previously stored messages (e.g. col. 6, lines 1-6).

8. As per claim 9, it is rejected for similar reasons as stated above.

9. As per claim 16, it is rejected for similar reasons as stated above.

10. As per claim 3, Salimando discusses the method wherein if a previously stored message relating to said first user message is identified after said querying, a user from which said previously stored message was received is notified of the first user message (e.g. col. 3, lines 10-18).

11. As per claim 10, it is rejected for similar reasons as stated above.

12. As per claim 17, it is rejected for similar reasons as stated above.

13. As per claim 5, Salimando discusses the method wherein said first user message is received by SMS (e.g. Figure 4).

14. As per claim 12, it is rejected for similar reasons as stated above.

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15. As per claim 18, it is rejected for similar reasons as stated above.
16. As per claim 7, Salimando discusses the method, wherein said step of querying said message database comprises identifying keywords in said first user message and querying said message database for previously stored messages containing said keywords, or words related thereto (e.g. col. 4, lines 44-50).
17. As per claim 14, it is rejected for similar reasons as stated above.
18. As per claim 20, it is rejected for similar reasons as stated above.

***Claim Rejections - 35 USC § 103***

19. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

20. Claims 4 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Salimando in view of Olivier (6,480,885).
21. As per claim 4, Salimando does specifically discuss the method wherein said first user message is received by e-mail. Olivier discusses the method wherein said first user message is received by e-mail (e.g. Abstract). It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine Salimando and Olivier. The motivation would have been to use e-mail as a method of communication.
22. As per claim 11, it is rejected for similar reasons as stated above.
23. Claims 6,13 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Salimando in view of Abjanic et al (US 2003/0069975).

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24. As per claim 6, Salimando does not specifically discuss the method wherein said first user message is received by speech. Abjanic discusses the method wherein said first user message is received by speech (e.g. Figure 1, box 132). It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine Salimando with Abjanic. The motivation would have been to use cellular phones as a way of communications and exchange of messages.

25. As per claim 13, it is rejected for similar reasons as stated above.

26. As per claim 19, it is rejected for similar reasons as stated above.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Farhood Moslehi whose telephone number is 703-305-8646. The examiner can normally be reached on M-F 8:30-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Follansbee can be reached on 703-305-8498. The fax phone number for the organization where this application or proceeding is assigned is 703-746-7239.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-306-5484.



**JOHN FOLLANSBEE  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2100**

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